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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 PETER T. HARRELL,

11 Plaintiff,

2:05-cv-0420-GEB-CMK

12 vs.

13 DARREL LEMOS, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff, proceeding pro se, filed the above-entitled action. The matter was  
17 referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

18 On December 1, 2006, the magistrate judge filed findings and recommendations  
19 herein which were served on all parties and which contained notice to all parties that any  
20 objections to the findings and recommendations were to be filed within ten days. Plaintiff has  
21 filed objections to the findings and recommendations<sup>1</sup>.

22 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
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25 <sup>1</sup>The docket reflects that plaintiff filed objections (doc. 60); however a review of this  
26 document reveals that it is a response in opposition to the defendants' motion to dismiss. As  
plaintiff raises some arguments in the opposition to the motion to dismiss which would be  
applicable objections to the findings and recommendations, the court will, in an abundance of  
caution, consider document 60 to be objections to the findings and recommendations.

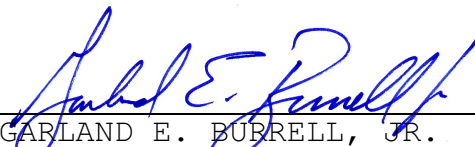
1 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
2 file, the court finds the findings and recommendations to be supported by the record and by  
3 proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations filed December 1, 2006, are adopted in  
6 full;

7 2. Plaintiff's complaint is dismissed without prejudice for failure to state a claim.

8 Dated: January 3, 2007

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11 GARLAND E. BURRELL, JR.  
United States District Judge